

TOWN
OF
SULLIVAN

ZONING LAW

ADOPTED JULY 30, 1979
AS AMENDED
THROUGH JUNE 8, 2007

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ARTICLE I – PURPOSES

Section 1: Purposes

This Zoning Law is for the purpose of promoting the health, safety and general welfare of the Town of Sullivan, and thus to lessen congestion in the streets; to secure safety from fire, flood, panic and other dangers; to provide adequate air and light; to prevent overcrowding of land; to avoid undue concentration of population; to facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public facilities; and to promote aesthetic values.

ARTICLE II – DEFINITIONS

Section 1: Definitions

Except where specifically defined herein all words used in this Law shall carry their customary meanings. Words used in the present tense include the future, and the plural includes the singular, the word “lot” includes the word “plot”; the word “building” includes the word “structure”; the word “shall” is intended to be mandatory, “occupied” or “used” shall be considered as though followed by words “or intended, arranged or designed to be used or occupied.”

ABANDONMENT: The voluntary, absolute, relinquishment, the giving up of a known right to which one is entitled, with the intention of permanently terminating or paring with such right. Abandonment depends upon the concurrence of two elements or factors: (a) the intention to relinquish, to permanently give up a known right to continue the non-conforming use and (b) the cessation of such non-conforming use, an overt act or failure to act, implying that the owner intends to permanently cease from putting the premises to the non-conforming use, or such other non-conforming use as may be permitted by this law.

AGRICULTURE: The production of agricultural products for compensation, including field crops, produce, horticulture, livestock, and dairy products. The term includes the sale of products grown on such land and the necessary buildings and accessory construction such as barns, silos, and fences, which are a normal part of agriculture. Agriculture includes farm, nursery, greenhouse, and truck garden.

AGRICULTURAL USE: An agricultural use is one carried on ten or more acres of land used in the preceding two years for the production or sale of agricultural products with an average gross sales value of Ten Thousand (\$10,000.00) Dollars or more.

ALLEY: A public way, which affords, generally, a secondary means of vehicular access to abutting property.

ALTERATIONS: As applied to a building or structure, means a change of rearrangement in the structural parts or in the exit facilities; or an enlargement, whether by extending on a side or by increasing in height; or the moving from one location or position to another.

BASEMENT: A space of full story height, partly below grade but having at least one-half of its clear floor to ceiling height above the average grade of the adjoining ground, and which is not designed or used primarily for year-round living accommodations.

BILLBOARD STRUCTURAL ADVERTISING: Any commercial outdoor sign, advertising medium, structure, or device which advertises, directs or calls attention to any business, article, substance, or service, which is painted, printed, posted, or affixed to any building, billboard structure, wall, fence, railing, natural object, or structure of any kind on real property or upon the ground itself.

BUILDING: Any roofed structure permanently affixed to the land intended for the shelter, housing or enclosure of persons, animals, or property.

BUILDING, ACCESSORY: A building detached from, subordinate to, and whose use is incidental to, but consistent with that of the principal building on the same lot.

BUILDING AREA: The total ground floor area of a principal building and accessory buildings exclusive of uncovered porches, steps and terraces. This area determines lot coverage.

BUILDING, DETACHED: A freestanding building surrounded by open space on all sides and not physically joined to another building.

BUILDING FRONT: That side of any building facing a public roadway or shoreline as designated on any application for a permit by the applicant. A building can have more than one front.

BUILDING HEIGHT: The vertical distance measured from the average level of the proposed finished grade across each face of the building to the highest point of the roof for flat roofs; to the deck line of mansard roofs; and to the mean height between eaves and ridge for gambrel or peaked roofs.

BUILDING LINE: A line parallel with the front, side and rear lot lines, respectively, beyond which a principal building or use may or may not extend as determined by these regulations.

BUILDING PERMIT: See **Section 16: Enforcement, paragraph B.**

BUILDING PRINCIPAL: A building in which is conducted the main or primary use of the lot on which the building is located.

BUSINESS HOME: An accessory use of a service character by the owner/occupant and clearly secondary in the use of the principal building for residential purposes.

BUSINESS OFFICES: Offices in which are conducted professional or business occupations of a service character and not involving the sale of merchandise or stock-in-trade nor the storage of vehicles, equipment, or materials. An accessory use of a service character by the owner/occupant and clearly secondary to the use of the principal building for residential purposes.

CAR WASH: See **MOTOR VEHICLE WASH.**

CELLAR: A space of full-story height having more than one-half of its height below the average grade of the adjoining ground.

CERTIFICATE OF COMPLIANCE: The instrument of verification as required under the provisions of these regulations, subsequent to the completion of any project for which a Zoning Permit was required and prior to the use or occupancy of the land or building to which the permit pertained.

CLUB: Lands and buildings used for recreational, athletic, or social purposes by members of formally organized associations including fraternities, sororities, lodges, fish and game clubs, golf clubs, and tennis clubs. Buildings may include restaurant, bar, and overnight facilities.

COMMERCIAL EXCAVATION: The removal of stone, sand, gravel, or topsoil, as a commercial product. The process of site improvement or alteration preparatory to the location of a building or use for which a Zoning Permit has been issued is not included in this definition.

COMMERCIAL VEHICLE: A Commercial Vehicle is defined as any motor vehicle or trailer weighing more than 9,000 pounds gross vehicle weight, licensed or able to be licensed for highway travel and used principally to conduct commercial or industrial activities.

CONDITIONAL USE: A use that would not be appropriate generally or without restriction throughout a zoning district but which, if controlled as to number, area, location, or relation to the neighborhood, may be permitted in certain zoning districts.

CONDOMINIUM: Any apartment, townhouse or other residential building, or portion thereof, involving a combination of two kinds of ownership of real property;

- Fee simple ownership of the individual dwelling unit; and
- Undivided ownership together with other purchasers of the common elements of the structure, land and appurtenances. Management is controlled by a property owners' association.

DWELLING: A building, or portion thereof, providing complete housekeeping facilities for one family.

DWELLING, MOBILE: See **MOBILE HOME**.

DWELLING, MULTIPLE-FAMILY: Attached dwelling units designed for year-round or seasonal occupancy by more than two (2) families living independently of each other.

DWELLING, ONE-FAMILY: A detached dwelling unit designed for year-round or seasonal occupancy by one family only.

DWELLING, SEASONAL: A dwelling occupied no more than ten (10) months in a calendar year. This shall include cabins, mobile dwellings, and cottages so utilized.

DWELLING, SECTIONAL: Two (2) or more factory-fabricated units, which are transported to the site joined together on a permanent foundation to constitute one or more dwellings. The term "sectional" shall include the term "modular", but shall not include "mobile dwelling". Also commonly known as a "double-wide".

DUMP: A parcel of land or part thereof used primarily for the disposal by abandonment, dumping, burial, burning, or any other means and for whatever purpose of garbage, sewage, trash, refuse, junk, discarded machinery, vehicles, or parts thereof or waste material of any kind.

EASEMENT: A legal and binding assignment of interest by deed or contract for the specified use of a designated portion of property to other than the landowner.

FAMILY: One or more persons occupying a dwelling, which persons shall either be related by blood, marriage or adoption, or include not more than three (3) unrelated individuals, alone, or in addition to any who are related by blood, marriage or adoption, and living as a single housekeeping unit as distinguished from a group occupying a rooming house, fraternity, hotel, commune, or other such group quarters.

FARM: See **AGRICULTURE**.

FARM EQUIPMENT DEALERSHIP: Land and structures used for the display and sale of equipment customarily used in agriculture.

FARM USE: See **AGRICULTURAL USE**.

FINANCIAL INSTITUTION: A building used for activities customarily associated with commercial banking or savings and loan facilities.

FLOOR AREA: The sum of the gross horizontal areas of the several floors of the building or buildings, measured from the exterior walls or from the centerlines of walls separating two buildings.

FUNERAL HOME: A building used for the preparation of the dead for services, burial, or cremation. Also known as a mortuary.

GARAGE, PRIVATE: An enclosed space intended for storage of one or more motor vehicles and within which space no commercial activity or industry connected directly or indirectly with motor vehicles is conducted.

GARAGE, SERVICE: A building or part thereof used for the storage, selling, renting, servicing, washing or painting and major repair of motor vehicles. Also known as "service station" or "body shop".

GASOLINE STATION: Any area of land, including structures thereon, that is used

or designed to be used for the sale of gasoline and/or oil or other motor vehicle fuel and which may include facilities for lubricating, washing, cleaning, and otherwise servicing motor vehicles, including the painting or major repair thereof. Also known as "filling station".

GOLF COURSE: A parcel of land developed for playing golf through improvement with tees, greens, fairways, hazards, and which may include shelters, maintenance and storage buildings, a clubhouse and, as an accessory use, tennis courts. Specifically excluded from this use are independent driving ranges and miniature golf courses.

HABITABLE SPACE: The space within a dwelling unit occupied for living, sleeping, bathing, eating, and cooking purposes and exclusive of a cellar, attic or such other portions of the dwelling unit not generally occupied by the residents of the dwelling unit.

HOSPITAL: See **MEDICAL FACILITY**.

HOSTEL: A dwelling unit providing complete housekeeping facilities for a non-transient group of physically or mentally handicapped persons whose residence in such facility is monitored by a duly constituted social services agency and which residency and program is certified by N.Y.S. Department of Mental Hygiene. Such facility shall provide living quarters for a maximum of twelve (12) residents in addition to resident house parents or qualified staff personnel.

HOTEL/MOTEL/INN: A building or portion thereof providing rental sleeping rooms and which may also include dining rooms, kitchens, serving rooms, ballrooms and other facilities and services intended primarily for the accommodation of the personal needs of the traveling public, and including facilities for the parking of patrons' motor vehicles and/or boats. Auto courts, motor hotels, motor courts, motor inns, motor lodges, tourist courts, tourist cabins, and roadside hotels are included in this definition.

JUNK YARD: Land or structure or part thereof, used for the collecting, storage, or sale of waste paper, rags, scrap metals, used or salvaged building or other discarded material, or for the collecting, dismantling, storage and salvaging of machinery or vehicles. It shall mean any place of storage or deposit, whether in connection with another business or not, where two or more unlicensed vehicles, no longer in condition for legal use on public highways are held, whether for the purpose of resale of used parts or materials there from or not. Such term shall include any place of storage or deposit for any such purpose of used parts or waste materials from motor vehicles which, taken together, equal in bulk two (2) or more

such vehicles.

KENNEL: The keeping of more than three dogs more than six months old.

LANDFILL, SANITARY: A municipal or private site for the depositing of refuse, compacting it to the smallest practical volume, and covering it with earth or other material in a systematic and sanitary manner.

LOT: A single and contiguous parcel of land considered as a unit, occupied or capable of being occupied by a principal building or use and accessory buildings or uses, or by a group of buildings and uses united by a common use. Two or more parcels of land, which would otherwise be contiguous except for being separated by a road, and assigned a single tax parcel number, shall also be deemed a lot for the purposes of this Law.

LOT AREA: The total area included within front, side and rear lot lines.

LOT, CORNER: A lot located at the intersection of and fronting on two or more intersecting streets, and having an interior angle at the corner of intersection of less than one hundred and thirty-five (135°) degrees.

LOT COVERAGE: That portion of the plot or lot area covered by building area and expressed as a percentage of total lot area.

LOT LINE: Any line dividing one lot from another or from an established right-of-way or the shoreline.

LOT LINE, FRONT: The lot line adjoining and separating the lot from any road or highway right-of-way line or the shoreline; or where there is not direct frontage on either for any lot established after the effective date of these regulations as designated and approved by the Planning Board.

LOT, UNIMPROVED: A lot for which no building or structure has been constructed or located and on which no excavation, improved driveway or the installation of water supply or sewage disposal systems has been initiated with the intent to serve a building or use.

LOT, WIDTH: The distance between side lot lines measured parallel to the front lot line where such parallel line is a straight line, or the chord of such parallel line where it is curvilinear, at a distance from the front lot line equal to the minimum required front yard specified for the district.

MANUFACTURED HOME: A structure, transportable in one or more sections,

which in the traveling mode, is eight body feet or more in width or forty body feet or more in length, or, when erected on site, is three hundred twenty or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained therein; except that such term shall include a “mobile home” as defined hereinafter, and shall include a structure which meets all the requirements of this subdivision except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the secretary of housing and urban development.

MANUFACTURED HOME PARK: A continuous parcel of privately owned land which is used for the accommodation of two or more *manufactured* homes occupied for year-round living.

MARINA: Lakeside or creek side operation and premises where boats for lease, storage, and service may be conducted; this servicing shall include supplies and accessories as are customarily used in such business and such food and supplies as required by fishermen or boating parties.

MEDICAL FACILITY: A building used for the diagnosis and treatment of sick and/or injured persons. This definition includes hospitals, clinics, and extended care facilities.

MINERAL: Mineral shall have the meaning set forth in the Environmental Conservation Law of the State of New York (“ECL”) in paragraph 7, Section 23-2705.

MINERAL RESOURCE USES: The mining of sand, gravel, clay, shale, peat or topsoil.

MINING: Mining shall have the meaning set forth in ECL, paragraph, Section 23-2705.

MINING/QUARRYING USES: The mining of minerals other than sand, gravel, clay, shale, peat or topsoil.

MOBILE HOME: A moveable or portable unit, manufactured prior to January first, nineteen hundred seventy-six, designed and constructed to be towed on its own chassis, comprised of frame and wheels, connected to utilities, and designed and constructed without a permanent foundation for year-round living. A unit may contain parts that may be folded, collapsed or telescoped when being towed and expanded later to provide additional cubic capacity as well as two or more

separately towable components designed to be jointed into one integral unit capable of being again separated into the components for repeated towing. "Mobile home" shall mean units designed to be used exclusively for residential purposes, excluding travel trailers.

MOBILE HOME PARK: A parcel of land which is designed and improved for the placement of ten (10) or more mobile dwellings and which mobile dwellings are located on sites rented or leased to the occupants of the mobile homes. See also **MANUFACTURED HOME PARK**.

MOTOR VEHICLE SALES AND SERVICE: A lot and/or structures used for the display and sale of motor vehicles and including servicing of such vehicles. May also include **GASOLINE STATION**, and/or **SERVICE GARAGE**; See **GARAGE, SERVICE**.

MOTOR VEHICLE BODY SHOP: See **GARAGE, SERVICE**.

MOTOR VEHICLE WASH: Buildings, structures, and land used for the washing and cleaning of motorized vehicles. May be associated with other motor vehicle services.

MOTOR VEHICLE WRECKING YARD: The use of any area or portion of any lot or plot, whether inside or outside a building, for the temporary storage of automobiles awaiting dismantling, or the dismantled parts of automobiles, or for the dismantling, cutting, demolition, and burning of automobiles.

NONCONFORMING SITUATION: A lot, use, or structure which does not conform to the requirements for use location or dimensions in the zoning district in which it is situated as regards use, minimum yard dimensions, minimum lot area, maximum building height or maximum lot coverage. May be called **NONCONFORMING LOT**, **NONCONFORMING STRUCTURE OR NONCONFORMING USE**.

NURSING HOME: A facility regulated by the State, providing nursing care to sick, invalid, infirm, disabled, or convalescent persons, in addition to lodging and board.

OPEN SPACE RECREATION: A recreation activity particularly oriented to and utilizing the natural landscape and outdoor character of an area, including hiking, equestrian and recreational vehicle trail; ski and golf facilities, park, picnic or beach area; and similar outdoor, non-intensive structures and uses.

PUBLIC USE: A structure or use designed and maintained as a governmental facility for recreation, transportation, fire or police protection, or not-for-profit public or governmental functions.

PUBLIC UTILITY: A structure or use whether privately or publicly owned and operated, designed and maintained for the provision of electric, telephone, radio, television, water or sewer services.

QUARRYING: See mining, definition includes quarrying.

RECREATION VEHICLE: A drawn, carried, or motor vehicle, which is, designed primarily for use as temporary living quarters for travel or recreation purposes. Includes motor home, travel trailer, truck, camper, tent camper and van so equipped.

RELIGIOUS INSTITUTION: Any structure used for worship, religious instruction, or other religious activities including accessory social and administrative rooms.

RESTAURANT: A building wherein food or beverages are available for on-site consumption, whether or not this constitutes the principal use.

RESTAURANT, FAST FOOD: The use of land and buildings for the preparation and sale of food and beverages from a counter or directly to persons in motor vehicles. May include space for on-premise consumption, but usually does not include waiter/waitress service.

RETAIL TRADE: A business or commercial activity involving primarily the sale of merchandise or stock-in-trade to the public, which business or commercial activity shall be conducted from within a permanently situated building.

ROADWAY: A public or private way for vehicular traffic, including the following.

- Arterial roadways are those principal through traffic arteries.
- Collector roads are those that interconnect, and carry traffic between local residential and arterial highways.
- Local roadways are those, which are used primarily for access to abutting residential properties.
- A cul-de-sac is a minor loop at the closed end.
- Frontage or access roads are generally parallel with and

adjacent to an arterial highway designed to provide access to abutting properties and protection from through traffic.

ROOF LINE: The top or peak of the structural roof of a building, above which point no sign shall extend or project.

ROOMING HOUSE: Any building or portion thereof containing more than two and less than ten rooms that are used, rented or hired out to be occupied or that are occupied for sleeping purposes for compensation, whether the compensation is paid directly or indirectly. The term "rooming house" shall include lodging house and boarding house, but not tourist home, hotel or motel, sorority or fraternity house or club.

SCHOOL: A building or group of buildings whose principal use is for educational purposes. Such a building or buildings shall include classroom space. Evidence of a curriculum and a professional staff is necessary for classification as educational purposes. The term school shall include parochial, private, and public institutions ranging from nursery schools to facilities offering postgraduate courses. Profit and non-profit status shall not be a consideration.

SEMI-PUBLIC FACILITY, INSTITUTION: A quasi-public, not-for-profit, education, health, historic, cultural, religious, recreational, or philanthropic facility or institution.

SIGN: Any graphic device erected or represented upon or as part of a building, structure or use of land, which directs attention or conveys a message pertaining to

is an object, product, place, activity, person, institution, organization or business and visible from the public right-of-way or the exterior of the building, structure or use.

Each such graphic display surface shall be considered to be a "sign".

SIGN, ADVERTISING: A sign, which announces and directs attention to a business, commodity, service or entertainment sold or offered elsewhere than upon the premises where such sign is located.

SIGN AREA: The area determined by circumscribing the exterior sign structure with the appropriate geometric form connecting all extreme points. The structure supporting a sign is not included in determining the sign area unless the structure is designed in a way to form an integral background for the display. Only one face of a double-face sign is to be considered in determining the area of a sign.

SIGN, DOUBLE-FACE: Any sign designed to be viewed from two (2) directions and which at no point is wider than three (3) feet measured from the exterior surface

of each face and the two (2) faces of the sign are either parallel or the angle between them is thirty (30°) degrees or less.

SIGN, EXEMPT: A sign which may be placed without a permit, but which shall otherwise comply with the provisions of these regulations. Such sign shall include official traffic signs, posting or trespass notices, official notices of hazard or safety precaution, personal identification signs identifying the residents of the premises, temporary signs, and any official flag, emblem or insignia of a nation, state, municipality or school not in connection with a commercial use.

SIGN, FLASHING: Any illuminated sign on which the artificial light is not maintained stationary or constant in intensity and color at all times when such sign is in use. For the purpose of these regulations, any revolving, illuminated sign shall be considered a "flashing sign".

SIGN, FREE STANDING: A sign which is supported by one (1) or more uprights, poles, or braces, or by a base of wood, stone or concrete in or upon the ground. This definition shall not include portable signs.

SIGN, ILLUMINATED: Any sign artificially lighted by an exterior or interior light source.

SIGN, MOBILE: A sign attached to or suspended from any type of vehicle which is capable of being moved from place to place, whether actually moved or not, either under its own power or by attachment to any vehicle and intended primarily for the display of such sign. Such sign shall not include lettering or other graphics painted or attached flush to the side or body of service, delivery or other such vehicles.

SIGN, PORTABLE: A sign that is designed to be movable and is not permanently attached to the ground, a building, a structure or any other sign. A portable sign shall not be deemed to include a mobile sign.

SIGN, PRINCIPAL: A primary or main sign on which is depicted the central message or identification pertaining to the purpose for which such sign was erected.

SIGN, ROOF: A sign located between the eaves or projection of the juncture of the ceiling of the uppermost floor and the roof of a building and the roofline.

SIGN, TEMPORARY: A poster, handbill, flyer or sign erected for a nonpermanent purpose such as to announce a forthcoming event or for the purpose of sale, rent or project notification, which sign shall be designed to be removed upon completion or termination of the purpose for which it was temporarily placed. Also classified as Exempt Sign in this Law. See **SIGN, EXEMPT**.

SIGN, WALL: Any sign attached to, painted upon or erected against the wall of a building or structure and not extending more than one and one-half (1½) feet beyond the building face.

SIGN, WINDOW: A sign maintained in or painted upon a window which is clearly visible to the general public from an out of doors position, but not including the customary display of merchandise.

SITE ALTERATION/IMPROVEMENT: The excavation or significant alteration of the site so as to affect surface drainage, removal of significant tree or soil cover or the provision for new or altered access, but not to include landscaping, minor site work or improvements, tilling the land for agricultural purposes or normal forest management practices.

SKETCH PLAN: A conceptual plan indicating salient existing features of a tract or parcel and its surroundings, the general layout of the proposed project and such additional information as required in “Appendix A - Required Submissions” of this Law.

STORY: That portion of a building included between the surface of any floor and the surface of the floor next above it, or if there be no floor above it, then the space between any floor and the ceiling next above it.

STRUCTURE: Any permanent man-made building, assembly or installation in conjunction with the principal or accessory use of a lot, including a building, sign, platform, ski-tow or jump, storage tank, boat dock and such similarly constructed or assembled objects affecting the principal or accessory use of the property so as to require a building permit.

SWIMMING POOL: A private, outdoor pool designed and built for swimming purposes as an accessory use on the same parcel as the principal use or one contiguous thereto, for use primarily by the occupants or tenants of said property. Such pool shall include any permanent or aboveground pool and any portable pool more than three (3) feet in height and fifteen (15) feet in length or diameter.

USE: The specific purpose for which a building, structure or land is designed, arranged, intended or for which it is or may be occupied or maintained.

USE, ACCESSORY: A use customarily incidental and subordinate to the principal use of building and consistent in use with the permitted principal use.

USE, CONDITIONAL: A use that would not be appropriate generally or without restriction throughout the zoning district. Such use may be permitted in certain zoning districts if specific provision for such conditional use is made in this Law.

USE, PRINCIPAL: The main or primary purpose or activity conducted on the lot.

USE, STANDARD: A use permitted by right in a specified zoning district.

ZONING PERMIT: A certification required prior to any activity governed by these regulations. Approval of this permit certifies that the proposed activity is in compliance with the Town of Sullivan Zoning Law.

(End of Article II – Definitions)(Balance of page intentionally left blank)

ARTICLE III - ESTABLISHMENT OF DISTRICTS

Section 1: List of Districts

For the purpose of promoting the public health, safety, and general welfare of the community, the Town of Sullivan is hereby divided into the following types of districts:

A,	Agricultural
LR – 40,	Low Density Residential
MR - 12,	Medium Density Residential
B,	Business
I,	Industrial
PDD,	Planned Development District
MHPD,	Manufactured Home Park District
RM,	Resource Management (Overlay)
MRU,	Mineral Resource Use District
MQU,	Mining/Quarrying Use District

Section 2: Zoning Map

The districts are bounded and defined as shown on a map entitled "Official Zoning Map of the Town of Sullivan" which accompanied and which, with all explanatory matter thereon, was made a part of the Zoning Law as adopted on July 30, 1979, and as from time to time amended by amendments to this Law. All amendments to this Law, from time to time adopted by the Town Board, which were duly adopted and in effect shall be certified as duly adopted and in effect by the Town Clerk and the Official Zoning Map shall thereby be deemed thereby amended in conformity with each such amendment.

Section 3: Interpretation of District Boundaries

Where uncertainty exists with respect to the boundaries of any of the aforesaid districts as shown on the zoning map, the following rules shall apply:

- A. Distances stated are perpendicular or radial distances from street center lines measured back to the zone boundary line, which lines in all cases, where distances are given, are parallel to the street line.

- B. Where the boundary of a district follows a railroad line or is parallel thereto, such boundary shall be deemed to locate or shall be measured from a point midway between the main tracks of said railroad line.
- C. Where the boundary of a district follows a stream, lake or other body of water, said boundary line shall be deemed to be at the limit of the jurisdiction of the Town of Sullivan, unless otherwise designated. If no distance is given, the dimension shall be determined by the use of the scale shown on the zoning map.

(End of Article III – Establishment of Districts)(Balance of page intentionally left blank)

ARTICLE IV - REGULATIONS

Section 1: Application of Regulations

Except as hereinafter provided:

- A. No building or land shall hereafter be changed in use and no building or part thereof shall be erected, moved or altered unless in conformity with the regulations herein specified for the district in which it is located.
- B. No building shall hereafter be erected, moved, or altered to exceed the height, to accommodate or house a greater number of families, to occupy a greater percentage of lot area, or to have front side or rear yards smaller than is specified herein for the zoning district in which such building is located.
- C. No part of a yard or other open space required adjacent to any building for the purpose of complying with the provisions of this Law shall be included as a part of a yard or other open space similarly required for another building.

Section 2: Schedule of Regulations

To facilitate public understanding of this Law and for better administration thereof, the regulations limiting the use of buildings and land and the bulk and arrangement of buildings are set forth in the **Zoning Schedule** for each of the districts established by this Law.

Wherever in the **Zoning Schedule** in the row pertaining to a permitted use or uses there appears a "---", such symbol shall be construed to include the specific limitations set forth in the same column for the district and uses to which it relates, and in all other places in such schedule the symbol shall be construed to mean the limitation determined by the Planning Board for the special use permit being sought.

Otherwise all limitations as to use, percentage of area, permissible height, minimum floor area, required yards and minimum sizes thereof and other requirements shall be those set forth in such schedule which for each district named shall be read across the schedule from left to right.

Section 3: Supplementary Regulations

- A. **Height** - The height limitations of this Law shall not apply to:
1. Increase in yard size - Churches, schools, hospitals, water towers and other public and semi-public buildings, provided that for each foot by which the height permitted in the district is exceeded the side, front, and rear yards required in the district shall be each increased an additional foot.
 2. Height above roof level - Church spires, belfries, cupolas and domes, not for human occupancy, monuments, observation towers, transmission towers, chimneys, smokestacks, derricks, flag poles, radio towers, masts and aerials, ventilators, skylights, water tanks and necessary appurtenances usually carried above roof level.
- B. **Area** - No lot shall be reduced in area so that any required area or open space will be less than prescribed in the regulations for the district in which said lot is located. These provisions shall not apply when a portion of a lot is taken for a public purpose.
- C. **Existing Lots** - Other provisions of this Law notwithstanding, nothing shall prohibit the use of a lot of less than the required area and width for a single family dwelling in any district, except a lot in an industrial district, provided that all the other provisions of this Law are complied with, when such lot, at the time of the passage of this Law, was owned, or under contract of sale by persons other than those owning or leasing any adjoining lot.
- D. **Stripping of Topsoil** - Any land area of more than one acre from which the topsoil has been removed or which has been covered by fill shall be seeded to provide an effective cover crop within the first growing season following the start of said operation.
- E. **Lots in Two Districts** - Where a district boundary line divides a lot of record at the time of passage of this Law, the regulations for the less restricted portion of such lot shall extend not more than thirty (30) feet into the more restricted portion, provided the lot has frontage on a street in the less restricted district.
- F. **Fences and Walls in Residential Districts** - Except on corner lots (per Zoning Schedule), a wall or fence, not over four (4) feet high, may be

erected within any required yard. In a side or rear yard, such wall or fence may be higher than four (4) feet, if it is a retaining wall, but if it is a fence or freestanding wall above such height, at least 75 per cent of the whole surface shall be unobstructed and open in a uniformly distributed manner.

- G. **Dumps** - Dumping of refuse, waste material and other substances is prohibited in all districts in the town with the exception of the solid waste transfer station.
- H. **Adjoining Business, Residential Districts, Side and Rear Yards** - Buildings or structures hereafter erected or altered in any non-residential district, on a lot adjacent to or abutting on a residential district shall comply with the following requirements.
 - 1. Side lot lines: Along the side lot line of a non-residential use lot adjoining a residential district, there shall be provided a yard of at least the minimum width required for side yards for residential structures of equal height in such residential districts.
 - 2. Rear lot lines: Abutting on the side lot line of a lot in a residential district, there shall be provided a rear yard of at least the minimum width required for the side yard residential structures of equivalent height in such residential districts. Where the rear of a non-residential use lot abuts against the rear lot line of a lot in a residential district, a building of incombustible material, not exceeding two (2) stories in height, may be erected on the rear lot line in the non-residential district, but any portion of such a building above two (2) stories in height must set back to provide a space equal to the rear yard space required for the adjacent residential property.
- I. **New access (Driveway)** - When new access (driveway) to a State or County highway is being created, there shall be provided a turnaround area off the public right-of-way. This is intended to eliminate the need to back a motor vehicle out onto a County or State roadway.
- J. **Adequacy of Water Supply and Sewerage Disposal** - Before a permit is issued for the construction of a building requiring a water supply and sewerage disposal, the applicant shall provide written evidence that acceptable provisions have been made for both.
- K. **Accessory Uses & Buildings** - In all Districts, accessory uses and buildings shall be permitted subject to those limitations placed on the principal use of

the same lot. Certain accessory uses such as private garages may be placed closer to property lines than principal uses. See **"OTHER PROVISIONS AND REQUIREMENTS"** in the Zoning Schedule Narrative.

- L. **Home Business/Occupation** - A home business (also known as professional office in the home) is an accessory use by definition. It shall be permitted in all districts subject to the issuance of a special permit after the Planning Board has determined that the requirements of this Law have been met.
- M. **Additional Building & Lot Requirements** - the following additional building and lot requirements are applicable to all residential building and building parcels throughout the Town of Sullivan within the jurisdiction of the Town of Sullivan, to wit:
 - 1. Roof pitch: The minimum roof pitch of all residences shall be 5/12.
 - 2. Foundations: All residences must be constructed on a permanent foundation, which includes a 6" concrete slab. All foundations shall be provided with basement windows. Any residence installed on piers over a slab must be skirted with 6" concrete blocks, parged with cement and waterproof coating and provided with windows. The area beneath the first floor of the residence must be adequately ventilated as required by the Residential Code of New York State or the homes manufacturers recommendations, as applicable.
 - 3. Storage requirements: All residences without a watertight, suitable for storage basement or garage storage area must construct a storage building having at least 100 square feet of watertight and suitable storage area. There shall be no outdoor storage of personal property of any kind unless contained within a fenced-in area, which prevents the contents of the area being viewed from outside of the fence.
 - 4. Living area: All residences must contain at least 900 square feet of living space, exclusive of basements, garages and similar spaces.
 - 5. Site plans: Each application for a building permit shall be accompanied by a site plan containing location of all structures, utilities, drainage, landscaping and such other information as is required by Town Law Section 274-a and the Zoning Law of the Town of Sullivan. All site plans must be reviewed by the Building Inspector and the improvements must comply with all applicable laws, rules and

regulations.

6. Compliance with all laws: Nothing herein shall be deemed or construed to amend or override any law, rule or regulation, and each and every law, rule and regulation shall be and remain applicable to all residences within the jurisdiction of the Town of Sullivan, and the terms of the within local law shall be deemed and construed to supplement each and every applicable law, rule and regulation.

(End of Article IV – Regulations)(Balance of page intentionally left blank)

ARTICLE V - SPECIAL PROCEDURES AND STANDARDS

Section 1: Special Use Permits

- A. Purpose - It is the purpose of this section to provide a process and guidelines to review those uses which may be appropriate to the respective zoning districts, but where the number, location, juxtaposition, and site improvement should be carefully considered and regulated.
- B. Procedure - On application, the Planning Board may authorize the Enforcement Officer to grant a Permit for any use for which approval of the Planning Board is required by these regulations according to the process and standards set forth below:
 - 1. The Application for a Zoning Permit for a Special Use shall be on a form provided by the Enforcement Officer. The Enforcement Officer shall determine the completeness of any application made under this section and shall notify the applicant within ten (10) days of the date of submission if such application is incomplete or deficient in any way, and shall further specify the deficiencies. Written notification of the application shall be sent to all property owners within three hundred (300) feet of the boundaries of the applicant, at least seven days prior to consideration of the application by the planning board.
 - 2. The Planning Board shall consider the application and render its decision within the time period provided by applicable Town Law (herein referred to as "ATP") from the date of submission of a complete application if no public hearing is held; or, alternatively, schedule and hold a public hearing within the ATP of the date of submission and render its decision within ATP of the hearing. These respective time frames may be extended only by mutual written agreement between the applicant and the Board. A public hearing

shall be at the option of the Planning Board.

3. Notification of the Planning Board's decision to authorize or deny the Permit and the reasons therefore will be given in writing to the Enforcement Officer, a copy filed with the Town Clerk within five (5) days of the date of the Board's decision, and a copy of the Board's determination furnished to the applicant upon request.

C. Standards - Special Uses to be considered by the Planning Board are listed in the Zoning Schedule. Unless varied in this Section, the following standards will guide the Board on its review of all Special Use Applications.

1. Location, size of use and structure, nature and intensity of operations involved, size of site in relation to it, and location of site with respect to streets giving access to it will be in harmony with the orderly development of the district.
2. Location, nature, and height of buildings, walls, and fences will not discourage the appropriate development and use of adjacent land and buildings, or impair their value.
3. Operations of conditional use shall not be more objectionable to nearby properties than will be operations of any permitted standard use.
4. Adequate combination of public and private parking is provided.

D. Additional Standards - In addition to the above standards, the following shall apply to specific public uses:

1. **GASOLINE STATION:** Lot width, minimum of one hundred fifty (150) feet except on a corner lot, then the minimum may be reduced to one hundred (100) feet; two pump islands with a minimum of three pumps set back at least twelve (12) feet from street line or highway right-of-way; building containing a maximum of three bays and set back at least twenty-five (25) feet from the street line or highway right-of-way; a minimum of two hundred (200) feet visibility of the pumps on the same side of the street and two hundred forty (240) feet visibility on the opposite side of the street, a masonry wall or a fence and screen planting where abutting a residential district.
2. **HOTEL/MOTEL:** A minimum distance of fifteen (15) feet from any lot

line to any building, minimum distance of ten (10) feet between buildings, minimum lot area of two thousand (2,000 sq. ft) square feet per unit, off-street parking requirements as per Zoning Schedule Narrative, approval of water supply and sewage disposal by the New York State Department of Health.

3. **MARINA:** A minimum of three hundred seventy-five (375 sq. ft.) square feet for each boat shall be required. A minimum of fifteen (15) feet width for each boat space shall be required. A minimum distance of fifteen (15) feet from any lot line to any building or to any stored boat shall be required. Shrubbery and other plantings to screen the operation from adjacent properties shall be required to minimize noise, glare of lights and other factors. Motors shall not be operated closer than fifty (50) feet from any boundary lines. Sufficient off-street parking space for traffic generated shall be provided. Approval of the water supply and sewage disposal by the New York State Department of Health is required.
4. **MEDICAL FACILITY:** Minimum lot area five (5) acres, minimum distance from any lot line to any building, one hundred (100) feet; off-street parking spaces of one unit for each three (3) patient beds excluding bassinets, staff or visiting doctor, intern, nurse, three (3) employees, three (3) student nurses, and service vehicle. Clinics and outpatient departments, three (3) parking spaces for each examination room. Adequate unloading space must be provided.
5. **MEMBERSHIP OR PRIVATE CLUB, COMMUNITY BUILDING:** Minimum lot area, five acres; minimum distance from any lot line to a principal building, one hundred (100) feet. No off-street parking in required front yard. Off-street parking as per Zoning Schedule Narrative.
6. **MINERAL RESOURCE USES:** The applicant in addition to meeting the requirements contained in ECL Article 23, Title 27, known as the "Mined Land Reclamation Law", must demonstrate to the Planning Board in order to obtain a special use permit for a "Mineral Resource Use", that the public health, safety and welfare of the public are adequately protected taking into account all relevant conditions, subject to the following criteria:
 - a. The final slope of material in any excavation or pit shall not exceed the normal limiting angle of repose of such material.

- b. The setbacks from property boundaries or public thoroughfares are appropriate for the conditions.
- c. The need for manmade or natural barriers designed to restrict access, and if needed, the type, length, height and location thereof.
- d. The need to control dust, noise, erosion and visual impacts and the method to accomplish.
- e. Any are of land, having an area of more than one-half acre from which top soil has been removed or covered over by fill, shall be seeded to provide and effective cover crop within the first growing season following the start of operation.
- f. The hours of operation.
- g. The adequacy of existing public highway system to handle any increase in heavy truck traffic.

7. **MINING/QUARRYING USES:** The applicant shall, in addition to meeting all of the requirements contained in ECL Article 23, Title 27, known as “Mined Land Reclamation Law”, must demonstrate to the Planning Board in order to obtain a special use permit for a “Mining/Quarrying Use”, that the public health, safety and welfare of the public are adequately protected by taking into account all relevant conditions, subject to the following criteria:

- a. The setbacks from the property boundaries or public thoroughfares are appropriate for conditions.
- b. The need for manmade or natural barriers designed to restrict access, and if needed, the type, length, height and location thereof.
- c. The need to control dust, noise, erosion and visual impacts and the method of accomplishing the same.
- d. The hours of operation.
- e. The adequacy of existing public highway system to handle

any increase in heavy truck traffic.

- set
8. **MOBILE DWELLINGS, CAMPS:** In addition to any regulations herein provided, trailers and trailer camps are subject to the regulations as forth in the Trailer Ordinance of the Town of Sullivan.
 9. **MOTOR VEHICLE WRECKING YARD:** All dismantling, burning, cutting of vehicles shall take place in an area at least 500 feet from any property line, highway right of way or street line. This area is to be screened from view from any street, highway, or property line by screen planting, or an approved fence so as to be completely hidden from any highway, street, or property line. Any storage of parts or vehicles outside of this wrecking yard shall be within a building on the same lot or premises. Such building shall be an accessory building and subject to the restrictions of accessory buildings. All motor vehicle wrecking yards shall comply with the provisions of the General Municipal Law of the State of New York.
 10. **RESIDENTIAL USES:** Includes Multi-family Dwelling, Residential Care Facility; Mixed Commercial-Residential Use; and Home Business.
 - a. Floor space, health, safety, and sanitary conditions shall be adequate to insure livability, be in accord with the New York State Multiple Residence Law, where applicable, and provide a minimum floor space of five hundred (500 sq. ft.) square feet per dwelling unit.
 - b. Lot size per building for multiple family dwellings shall be in accord with the minimum lot size required in the district and, in addition, shall have the following number of square feet for each dwelling unit in excess of the first according to the type of unit:

Efficiency Unit	- 2,500 square feet
One Bedroom	- 3,000 square feet
Two Bedrooms	- 4,000 square feet
Three or more Bedrooms	- 5,000 square feet
 - c. Adequate off-street parking shall be provided including a minimum of one and one-half (1 1/2) spaces per dwelling unit and one per each customer, client, or patron.

- d. The use shall not interfere or conflict with the peaceful enjoyment of neighboring residential uses and shall be in accord with the density guidelines for the area according to the established categories of these regulations.
- e. A home business shall not display or create outside the building any evidence of the home occupation, except such sign as may be permitted under the sign requirements of these regulations.

- f. No dwelling unit shall include more than one (1) home business and such use shall be clearly incidental and secondary to the use of the dwelling unit for residential purposes and not utilize more than twenty-five percent (25%) of the gross floor area of the dwelling unit if located therein or, alternatively, be in excess of four hundred (400 sq. ft.) square feet of any accessory building if located therein. Such home business shall have no employees other than the owner/occupant of the building and the resident members of his immediate family, and the business shall not generate a need for the instantaneous parking of more than two non-occupant vehicles, and it shall not create a change in the character of the residential property nor tend to reduce the residential character of the neighborhood.
- 11. **RIDING ACADEMY:** Maximum height thirty-five (35) feet. Minimum distance from street line to any building, one hundred twenty-five (125) feet. Minimum distance from any side or rear line to any building, one hundred (100) feet.
- 12. **MOBILE DWELLING (Farm Use):** A mobile dwelling as an accessory to an agricultural use may be permitted by the Planning Board under the special permit procedures when the Planning Board finds that such mobile dwelling is necessary for the conduct of a farming operation, and that the unit will be occupied by the owner or employee of the farm on which it is located. The mobile dwelling shall be subject to the following regulations:
 - a. It shall be located on a lot with minimum yard dimensions in accord with the Zoning Schedule. The lot need not be surveyed, but shall be clearly shown on a site plan.
 - b. Minimum floor area shall be seven hundred fifty (750 sq. ft.) square feet.
 - c. An accessible, safe, and potable water supply shall be provided.
 - d. An approved sewage disposal system shall be provided.
 - e. The unit shall be securely fastened to the ground in accord

with accepted standards for mobile dwellings.

- f. An enclosed storage area of at least eighty (80 sq. ft.) square feet shall be provided. In addition to these requirements, requirements contained in the "Mobile Home Park Ordinance of the Town of Sullivan, Madison County, New York" shall apply, except that such mobile dwelling may be permitted in any use zone and not limited to an agricultural-use zone, when it is used as an accessory dwelling to an agricultural use.

Section 2: Nonconforming Situations

The lawful use of any building or land existing at the time of the enactment of this Law may be continued although such use does not conform with the provisions for the district in which it is situated, subject to the limitations set forth below:

- A. **Unsafe Structures** - Any structure or portion thereof declared unsafe by a proper authority may be restored to a safe condition.
- B. **Extension** - A nonconforming use of land shall not be extended. However, any such use may be extended throughout any parts of a building, which were manifestly arranged or designed for such use at the time of adoption of this Law. A nonconforming use of a building may be changed to another nonconforming use, which, in the opinion of the Board of Appeals, either by general rule adopted on a request by the zoning administrative officer or on a specific finding on appeal in a particular case, is of the same or of a more restricted classification.
- C. **Alterations** - Alterations to any building or part thereof which is used to house a nonconforming use shall be made only on a permit issued by the Board of Appeals subject to the conditions and safeguards set forth in Section 9 of this Law.
- D. **Completion, Extension or Construction of Buildings Originated prior to this Law** - Nothing herein contained shall require any change in plans for construction or designated use of a building complying with laws existing prior to this Law, provided that the active and substantial construction shall have been originated prior to the enactment of this Law, and further provided that such construction or alteration shall be diligently prosecuted.
- E. **Restoration** - a nonconforming building or building used to house a nonconforming use may be restored after being damaged or destroyed by fire or other cause provided that the nonconformity not be increased and that

restoration be completed within one year of destruction or damage.

- F. **Abandonment** - When a nonconforming building or use has been abandoned for a period exceeding twelve (12) months, it shall not thereafter be re-established.
- G. **Changes** - Once changed to a conforming use, no building or land shall be permitted to revert to a nonconforming use.
- H. **Displacement** - No nonconforming use shall be extended to displace a conforming use.
- I. **Cessation** - Notwithstanding any other provisions of this Law, any nonconforming auto wrecking yard, junkyard, billboard, structural advertising or sign in existence at the date of enactment of this Law shall, at the expiration of four (4) years from such date, become a prohibited and unlawful use and shall be discontinued.

Section 3: Site Plan Review (Resource Management)

- A. Purpose:

It is the purpose of this section to provide a process for the recognition and detailed evaluation of those types of natural and related land use considerations which, given the nature, level of detail and scale of the town wide inventory and zoning maps, require a more exact site specific evaluation on a case-by-case basis than is otherwise possible. Specifically, the Resource Management (RM) - Overlay District has been established to depict land and water areas with particularly significant limitations to development that necessitate a more careful evaluation of the likely impact of such development. The types of limitations encompassed within this overlay district include:

- Flood Hazard Areas
- Wetlands
- Steep Slopes and Adverse Soil Conditions
- Certified Agricultural District

Consistent with this purpose, the provisions of this section shall apply to all land and water areas in a Resource Management (RM) - Overlay District as

set forth herein below.

B. Procedure:

The process for consideration of any proposed use to be situated in any Resource Management (RM) - Overlay District shall be as follows:

1. The nature and content of an application for any use considered under this section shall be as set forth in "Appendix A - Required Submissions" and such additional information as may be required in the administration of this section. The Enforcement Officer shall determine the completeness of any application considered under this section and shall notify the applicant within five days of the date of submission if such application is incomplete or deficient in any way, and shall further specify the deficiencies.
2. The Planning Board shall consider the application including such professional expert assistance as may be necessary, and render its decision within the time period provided by applicable Town Law (herein referred to as "ATP") from the date of submission of a complete application if no public hearing is held; or, alternatively, schedule and hold a public hearing within ATP of the date of submission and render its decision within ATP of the date of hearing. These respective time frames may be extended only by mutual written agreement between the applicant and the Board. Consideration of the application at public hearing shall be optional at the discretion of the Planning Board.
3. Notification of the Planning Board's decision to authorize or deny the Permit and the reasons for this decision shall be given in writing to the Enforcement Officer, a copy filed with the Town Clerk within five (5) days of the date of the Board's decision and a copy of the Board's determination furnished to the applicant upon request.

C. Applicable Standards:

Any use proposed to be located within Resource Management - Overlay District shall be evaluated according to the following specific guidelines:

1. **Flood Hazard Areas** - No use shall be situated within any flood hazard area where the location of such use will jeopardize the health,

safety or welfare of the occupants of such use, the stability of the use itself or where such use will aggravate flooding conditions upstream due to the displacement of floodwaters. In particular, any use proposed in such area shall be reviewed according to the applicable provisions of the National Flood Insurance Act.

2. **Wetlands** - No use shall be situated in or adjacent to, any wetland area where the location of such use, by landfill or drainage, will damage or affect in a significantly detrimental manner the water retention capacity or unique flora or fauna characteristic of such wetland, and further, no such use shall be located where the instability or inadequate bearing capacity of the wetland would jeopardize the stability of the use itself. In particular, any use proposed in such area shall be reviewed according to the applicable provisions of the NYS Freshwater Wetlands Act of 1975.
3. **Steep Slopes and Adverse Soil Conditions** - No structure shall be situated on any slope in excess of twenty-five (25%) percent, or any soils where the location of such use will cause or aggravate significant earth erosion or slippage, or encourage malfunctioning of any individual sewage disposal or the contamination of the water table.
4. **Certified Agricultural District** - Proposed uses and/or structures shall be located so as to minimize the impact on viable farmland.

D. Exempt Activities:

This review and approval procedure shall not apply to accessory buildings of less than 400 square feet nor to expansions of existing structures, which will not enlarge such structures by more than 50% nor require additional parking.

Section 4: Planned Development Districts

A. Purpose:

1. These districts are to provide a means of developing land areas for new residential, business and industrial uses, including a satisfactory combination of these uses in an economic and compatible manner, utilizing innovative planning and architectural concepts but without departing from the spirit and intent of this Section.
2. These districts are designed to accommodate proposed clustering techniques not otherwise provided for in the other zoning districts.

3. The Manufactured Home Park District shall provide a suitable setting for the location of manufactured homes and mobile homes. This Section is intended to apply to mobile homes wherever reference is herein made to manufactured homes.

B. Classification:

The classification of Planned Development Districts is intended to designate an area of land that will be held for development for residential or business purposes or a combination of these uses, in accordance with the procedures and standards set forth in this Section. There shall be two types of Planned Development Districts. There shall be the "Manufactured Home Park District", and the "Planned Development District" for all other uses.

C. Procedure:

Establishment of a Planned Development District or Manufactured Home Park District project shall require two (2) steps:

1. Approval of a preliminary development plan and amendment of the Zoning Map by the Town Board to establish a Planned Development District;
2. Authorization to proceed with the project in a planned development district.
3. Unless otherwise distinguished the terms of this Section shall apply equally to either the Planned Development District or Manufactured Home Park District.

D. Amendment of Zoning Law:

1. Application for amendment of the Zoning Map for a Planned Development District shall be made to the Town Clerk for transmittal to the Town Board for consideration at its next regularly scheduled meeting. The Town Board may, its own motion, initiate an application for the establishment of a Planned Development District.
2. The applicant shall submit a preliminary development plan, at an appropriate scale, illustrating the type, uses and design of the proposed development, including any or all of the following as required by the Town Board, to wit:

- Boundaries of the proposed district;
 - Topography, soil conditions, drainage;
 - Land uses and building locations;
 - Roads, parking areas, walks;
 - Common open spaces;
 - Signs;
 - Open spaces and recreation areas;
 - Landscaping, fencing, screening;
 - Outdoor lighting;
 - Construction sequence; and
 - Feasibility studies of utility, traffic and other problems possibly arising from the proposed project.
3. The Town Board shall refer the completed application to the Planning Board for its review and recommendation.
 4. The Planning Board shall review the application to determine whether it is complete and may request clarification and additional information from the applicant regarding any aspect of the application. The Planning Board and the applicant may negotiate refinements or modifications in the preliminary development plan proposals or other aspects of the application. This negotiating process is intended to permit changes in the original application that will allow the project to meet the objectives of this Law. The applicant may terminate negotiations at any time by asking the Planning Board to proceed with its review procedures at its next regular meeting. The Planning Board shall determine, in the exercise of its discretion, the use or uses to be combined within the Planned Development District in accordance with the purpose of this Section.
 5. The Planning Board shall review the application and evaluate the development plan with consideration of the following:
 - Consistency with the stated purposes of a Planned Development District;
 - Extent of departure from the requirements and standards of the local law otherwise applicable to the property and the advantages and amenities resulting from such departure;
 - Relation to the existing character of the vicinity;
 - Location, bulk and height of buildings and uses in relation to one another and to other structures and uses

in the vicinity;

- Vehicular and pedestrian traffic circulation, its relation to existing traffic facilities and patterns and the probable amount of traffic generated;
 - Adequacy of existing and proposed utilities, fire protection and other services;
 - Protection of the environment;
 - Purpose, location and amount of common open spaces.
 - Architectural and landscaping design; and
 - Sufficiency of terms and conditions for protection of the integrity, conservation and maintenance of the plans.
6. The Planning Board shall recommend to the Town Board, within sixty (60) days of the official submission date to the Planning Board, approval, approval with modifications or disapproval of the development plan, giving reasons therefore. The time period for Planning Board recommendation may be extended by mutual consent of the applicant and the Planning Board.
 7. The Town Board shall hold a public hearing as required for any amendment of this Law and shall consider the report and recommendations of the Planning Board, and all other comments, reviews and statements pertaining thereto. The Town Board may act to amend the Zoning Map to establish and define the type and boundaries of the Planned Development District, and in order to protect the health, safety and general welfare of the community, may establish additional requirements and specific conditions restricting the nature, density, or design of proposed land use and development, and may request that the applicant submit an amended Preliminary Development Plan conforming with such requirements and conditions prior to final action by the Town Board to establish a Planned Development District.
 8. Upon approval by the Town Board of a Preliminary Development Plan and establishment of a Planned Development District, the Plan shall be filed with the Town Clerk and shall serve as a permanent record to guide future action.
 9. Before taking final action on amending the Zoning Map, the Town Board shall refer such matters to the Madison County Planning Agency in accordance with the provisions of General Municipal Law, Section 239-M.

E. Standards For Planned Development Districts:

1. **Area/Density** - All Planned Development Districts shall have a minimum area of ten (10) acres, and all development within the Districts shall not exceed density specifications determined by the Planning Board for the intended use and compatible with this Section.
2. **Setbacks** - The minimum setback of a building from an adjacent District boundary for any manufacturing, other industrial, research or business use shall be 150 feet unless specifically waived or varied by the Planning Board. District boundary setbacks for other permitted uses shall be determined by the Planning Board in accordance with the stated purpose of this Section.
3. **Roads** - All roads, whether to be offered for dedication to the Town or not, shall be constructed in accordance with Town standards as established in the Subdivision Regulations of the Town, and in addition, according to any additional requirements deemed necessary by the Town Engineer and as set forth in the resolution of approval of the Final Plan.
4. **Open Spaces and Recreation Areas** - Suitable and satisfactorily located areas of every Planned Development District which includes residential uses, shall be designated and reserved for open spaces, and/or recreational purposes. Improvements and facilities to be provided as part of the open spaces and recreation areas, and provisions for maintenance shall be acceptable to the Town and the responsibility of the applicant.
5. **Access** - Access, insofar as practicable, shall be provided for by ingress and egress on to non-major or collector streets to minimize the number of accesses on to highways.
6. **Landscaping, Fencing, Screening** - Appropriate natural screening and buffering, such as plantings, shall be required to minimize, among other things, the adverse visual impact of the intended use.
7. **Signs** - Notwithstanding the provisions of this Law, any sign to be erected within the District, whether attached or detached, shall be

approved by the Planning Board. All signs must be immediately removed if the use is discontinued for more than thirty (30) days.

8. **Open Storage** - There shall be no open storage except for enclosed refuse containers located in areas approved by the Planning Board.
9. **Architectural Review** - All structures, including fences, plantings and landscaping, shall be subject to an architectural review by the Planning Board to ensure that the proposals are compatible with the purpose of this Section.
10. **Natural Resources** - The development plan shall, insofar as is practicable, maintain the greatest open space in the areas of greatest visibility and shall protect natural resources such as woods, wetlands, swamps, aquifers, etc.
11. **Scenic Vistas** - The development plan shall locate structures, parking and open spaces, insofar as is practicable, in such a manner that scenic vistas are not impaired.
12. **Outdoor Lighting** - The development plan shall ensure that outdoor lighting does not adversely impact neighboring properties or the scenic and rural character of the Town.
13. **Bonding** - The development plan shall state the manner in which the applicant intends to comply with applicable bonding requirements.

F. Additional Standards for Manufactured Home Park District:

1. Manufactured homes shall have a minimum floor area of 750 square feet.
2. Yard requirements shall be determined by the Planning Board depending upon lot arrangement, subject to a minimum of thirty (30) feet between each manufactured home. No manufactured home shall be closer than fifty (50) feet to any boundary of the District.
3. Any area from the floor of the manufactured home to the ground shall be skirted with a suitable opaque material.
4. An enclosed storage area of at least eighty (80) square feet shall be provided for each manufactured home.

5. A minimum of two off-street parking spaces shall be provided for each manufactured home.
6. The foregoing are minimum requirements and the Planning Board in the exercise of its discretion may increase, vary or waive the requirements in accordance with the stated purpose of this Section.

G. Additional Standards for Planned Development Districts other than a Manufactured Home Park District:

1. **Setback** - The following front, side and rear yard dimensions shall apply, unless otherwise determined by the Planning Board:

- a. for residential uses, the front, side and rear yard dimensions shall be as follows:

Front - thirty (30) feet for one-family dwelling; thirty-five (35) feet for two-family dwelling; forty (40) feet for multiple-family dwelling.

Side - fifteen (15) feet each side for one-family dwelling; twenty (20) feet each side for two-family dwelling; and forty (40) feet for multiple-family dwelling.

Rear - twenty-five (25) feet from all principal buildings.

- b. for other than residential uses, the setback side and rear dimensions shall be as determined by the Planning Board.
- c. The maximum building and parking lot coverage shall be forty (40) percent, except as otherwise determined by the Planning Board.

2. **Off-street Parking** shall be provided according to the following.

- a. For residential uses, the parking spaces required are as follows:

One and Two-family dwellings - 2 spaces per dwelling unit.

Multiple family dwellings - one and one-half (1 1/2) spaces per dwelling unit.

- b. Parking spaces, other than in a garage, shall be in the side or in the rear yard, or as determined by the Planning Board.
- c. For other than residential uses, the number of parking spaces shall be as determined by the Planning Board commensurate with the uses proposed. Unless otherwise approved by the Planning Board, parking areas shall be located in such a manner that they are not visible from streets or surrounding properties.

3. **Building Height** shall be as follows:

- a. For residential uses, the maximum height of any structure or part thereof shall not exceed 24 feet above grade.
- b. For other than residential uses, the maximum height of any structure or part thereof shall not exceed 30 feet above grade.
- c. For either use, the Planning Board may establish a higher height if found to be necessary for the intended use and compatible with this Section.

H. Permitted Uses:

- 1. In a Manufactured Home Park District, the clustering of manufactured homes is permitted, together with such additional uses as are determined by the Planning Board as being compatible with the aforesaid use and the purposes of this Section.
- 2. In all other Planned Development Districts, the following uses may be permitted, subject to the determination of the Planning Board that the intended uses are compatible with one another and the purposes of this Section.
 - a. Residential, public, religious and civic uses;
 - b. Light manufacturing and assembly enterprises, provided that such activities will not be offensive, injurious, or noxious because of gas, dirt discharge and refuse, vibration, smoke, fumes, dust, odors, noise, traffic, lighting, danger of fire or explosion or other characteristics detrimental or offensive or that tend to reduce property values in the same or adjoining districts;
 - c. Business and professional offices;
 - d. Retail and service stores, restaurants, marinas, commercial recreational facilities, and funeral homes;
 - e. Research laboratories with incidental processing or pilot manufacturing; and

- f. Other uses compatible with the foregoing uses in the exercise of the discretion of the Planning Board, in accordance with the spirit and intent of this Section.
- I. Authorization to undertake construction and development in the approved District.
 - 1. Amendment of the Zoning Map to establish a Planned Development District shall not constitute authorization to undertake any construction and development in the District.
 - 2. Such authorization shall require that the applicant submit to the Planning Board a Final Development Plan conforming to conditions and restrictions imposed by the Town Board, if any, and such further plans and specifications and supporting documents required for a building permit. The Final Development Plan shall include the approved preliminary plan and any or all of the following as required by the Planning Board:
 - a. Property survey, showing existing contours, buildings, structures, trees over four (4) inches caliper, streets, easements and rights-of-way;
 - b. Site plans with proposed building locations, streets, parking areas, walks, grading and landscape design;
 - c. Preliminary drawings for buildings to be constructed in the current phase, including plans, exterior elevations and sections;
 - d. Preliminary engineering plans, including street design, drainage systems and public utilities; and
 - e. Construction time schedule.
 - 3. If the applicant has previously indicated that development of the Planned Development District will be phased, the application for a building permit may be limited to approve phases. It is the intent of these regulations that any individual phases of a planned development project proceed logically and have an integrity of use in their own right so that if for any reason the entire planned development is not completed, the developed portions will be an asset to the community by themselves and can eventually be extended and completed without land

areas becoming isolated and inaccessible. Phasing plans shall consider this objective.

4. No building permit shall be issued until the Planning Board has undertaken its normal reviews required by these regulations and has determined that the Final Development Plan has been made to conform to all prior conditions and restrictions, if any, and has approved the Plan, and until the Planning Board has forwarded a copy of the approved Plan to the Town Board.
5. If subdivision is requested or required, no building permit shall be issued until the Planning Board has given its approval as provided in the Land Subdivision Regulations of the Town and there has been full compliance with the Land Subdivision Regulations of the Town and the applicable provisions of Town Law, Article 16.
6. If development of a Planned Development District has not commenced within one (1) year after the date of the Planning Board approval of a Final Development Plan and issuance of a building permit, the permit shall become null and void, and the Plan approval shall be deemed revoked and vacated; except that such time period may be extended upon application to and authorization by the Planning Board.
7. If construction in a Planned Development District has not commenced within the period described above, the Town Board may elect to conduct a public hearing and otherwise consider and act upon amendment of zoning of the land from Planned Development District to its former district status.

J. Conditions to Run With Land:

All conditions required by the Town Board in establishing the Planned Development District and in approval of plans by the Planning Board, including any whose performance may be precedent to the issuance of any permit, shall run with the land and shall not lapse or be waived because of ownership or tenancy change in any part or all of the designated Planned Development District.

Section 5: Golf Courses

A. Districts Permitted:

Golf Course shall be permitted by special use permit in all districts.

B. Applicable Standards of Golf Courses:

1. **Dimensional Standards** - Minimum course areas: regulation 9 holes - 50 acres, regulation 18 holes - 110 acres, par 3 or executive 9 holes - 30 acres, par 3 or executive 18 holes - 60 acres. Courses that include tennis courts as an accessory use shall have at least 10 acres more than the basic minimum area for the type and number of holes of the course. Minimum building setbacks in residential districts; clubhouse with food service or sales, golf cart garage: 200 feet from side or rear property lines, 150 feet from front property line; other buildings 100 feet from side, rear, and front lines. Minimum parking area and tennis court setbacks in residential districts; 30 feet width sound and visibility buffering strip of a design approved by the Planning Board or 50 feet without such a strip. Setbacks in non-residential districts to be set by Planning Board, as needed, on an individual basis. Minimum fairway width; single fairway (applies only to landing area) - 300 feet, adjacent double or multiple fairways - 150 feet per individual fairway.
2. **Sanitary and Environmental Health Standards** - Any clubhouse food service or other on-site sale of food or drink requiring on-site preparation or refrigeration must have a Food Service Permit from the Madison County Department of Health. Private water supply and on-site sewage disposal systems for those courses not served by public water or sewer also require approval of the Madison County Department of Health.
3. **Lighting** - In residential districts, there shall be no artificial lighting and no play allowed after darkness.
4. **Screening** - Screening or netting shall be provided along or behind fairways and greens wherever necessary, as determined by the Planning Board, to prevent the travel of golf balls beyond the course's property lines.

5. **Signage** - Signage shall be subject to the standards applicable to signs in the zoning district in which the course is located.
6. **Grading Plan** - The site plan material shall include a grading plan showing contours and cut and fill volume for all graded areas, including tee areas, fairways, landing areas in place of continuous fairways, greens, and playing hazards such as sand traps and ponds and it shall indicate how storm drainage runoff will be handled in accordance with the water-use plan; and it shall identify all undisturbed natural gases.
7. **Water Use Plan** - The site plan material shall show any areas to be irrigated, shall provide an estimate of water consumption by water source (potable water by source, pond water, treated effluent). Any irrigation shall be described by method and shown on the course layout. Storage ponds and water hazards shall be shown and estimates of seasonal storage volume provided, natural water bodies, streams, and wetlands on the course shall be shown, as shall any underground field tile drains, septic systems and disposal fields.

Section 6: State Environmental Quality Review Act (SEQRA)

Compliance with the State Environmental Quality Review Act will be accomplished during the administration of this Law.

Section 7: Freshwater Wetlands Act

Compliance with the State Freshwater Wetlands Act will be accomplished during the administration of this Law.

(End of Article V – Special Procedures and Standards)
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ARTICLE VI - ADMINISTRATION

Section 1: Enforcement

A. Zoning Administration Officer.

The Town Board shall appoint a Zoning Administrative Officer who shall be charged with the administration of this Law.

B. Building Permits:

1. No building or structure shall be excavated for, erected, added to or structurally altered until a permit therefore has been issued by the Zoning Administrative Officer. Except upon a written order of the Board of Appeals, no such zoning permit, nor a certificate of occupancy, shall be issued for any building where said construction, addition or alteration or use thereof would not conform with the provisions of this.
2. There shall be submitted with all applications for zoning permits, two (2) copies of a site plan showing the actual dimensions of the lot to be built upon, the actual size and location on the lot of the building and accessory buildings to be erected and such other information as may be necessary to determine and provide for the enforcement of this Law.
3. One copy of such plan shall be returned when approved by the Zoning Administrative Officer together with such zoning permit to the applicant upon payment of a fee as set by the Town Board.

C. Certificate of Occupancy:

1. After the effective date of this Law, no land or building shall be used until a certificate of occupancy shall have been issued by the Zoning Administrative Officer stating that the building or proposed use thereof is valid under the provisions of this Law.
2. All certificates of occupancy shall be applied for coincident with the application for a zoning permit. Said certificate shall be issued within ten (10) days after the erection or alteration shall have been approved as complying with the provisions of this Law.
3. The Zoning Administrative Officer shall maintain a record of all certificates of occupancy and copies shall be furnished, upon request, to any person having a proprietary or tenancy interest in the building affected.
4. Pending the issuance of a regular certificate of occupancy, a temporary certificate of occupancy may be issued for a period not to exceed six months. Temporary certificates of occupancy may be renewed for additional six-month periods; such renewals shall not exceed a total of three in number. Such temporary certificates of occupancy shall only be issued in cases of emergency or hardship and only for the following purposes: Temporary use of a building or a mobile dwelling as a dwelling while a permanent dwelling is under construction or alteration or the use of an uncompleted dwelling under construction. A building shall be considered under construction and uncompleted until there is a complete exterior of a story other than a basement.

Section 2: Board of Appeals

A. Appointment and Organization:

The Board of Appeals shall consist of five (5) members appointed by the Town Board, who shall also designate the Chairman. The terms of office of said Board of Appeals shall be five (5) years, excepting that the five members first appointed shall serve respectively for the terms of one year, two years, three years, four years, and five years. The Board of Appeals shall appoint a secretary, and shall prescribe rules for the conduct of its affairs.

B. Powers and Duties:

The Board of Appeals shall have all the powers and duties prescribed by law and by this Law, which are more particularly specified as follows:

1. **Interpretation** - To decide any question involving the interpretation of any provision of this law including determination of the exact location of any district boundary.
2. **Variances** - To vary or adapt the strict application of any of the requirements of this law in the case of exceptionally irregular, narrow, shallow, or steep lots, or other exceptional physical conditions, whereby such strict application would result in practical difficulty that would deprive the owner of the reasonable use of the land or building involved, but in no other case.
3. **No Variance** in the strict application of any provision of this law shall be granted by the Board of Appeals unless it finds:
 - a. That there are special circumstances or conditions, fully described in the findings, applying to the land or building for which the variance is sought, which circumstances or conditions are such that the strict applications of the provisions of this law would deprive the applicant of the reasonable use of such land or building.
 - b. That for reasons fully set forth in the findings, the granting of the variance is necessary for the reasonable use of the land or building, and that the variance as granted by the Board of Appeals is the minimum variance that will accomplish this purpose.
 - c. That the granting of the variance will be in harmony with the general purpose and intent of this law, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

C. Procedure:

The Board of Appeals shall act in strict accordance with the procedures specified by law and by this Law. All appeals and applications made to the Board of Appeals shall be in writing, on forms prescribed by the Board.

Every appeal or application shall refer to the specific provision of the law involved and shall exactly set forth the interpretation that is claimed, the use for which the special use permit is sought, or the details of the variance that is applied for and the grounds on which it is claimed that the variance should be granted, as the case may be. The Board of Appeals shall fix a reasonable time for the public hearing required for every appeal or application and shall give public notice thereof by the publication in the official paper of a notice of

such public hearing at least ten (10) days prior to the date thereof; and shall, at least ten (10) days before such public hearing, mail notices thereof to the parties involved.

The Secretary of the Board shall transmit to the Town Planning Board, a copy of said application or appeal, together with a copy of the notice of the aforesaid public hearing and shall request that the Planning Board submit to the Board of Appeals its advisory opinion on said application or appeal; and the Planning Board shall submit a report of such advisory opinion prior to the date of said public hearing.

Every decision of the Board of Appeals shall be by resolution, each of which shall contain a full record of the findings of the Board in the particular case. Each such resolution shall be filed in the office of the Town Clerk, by case number under one or another of the following headings: Interpretations; Variances; together with all documents pertaining thereto. The Board of Appeals shall notify the Town Board and the Planning Board of each variance granted under the provisions of this Law.

Section 3: Violations

Any person, firm or corporation violating any of the provisions of this Law shall be guilty of a misdemeanor and upon conviction be punished by a fine not exceeding fifty dollars (\$50.00) in amount or by imprisonment for a period not to exceed six (6) months, or by both such fine and imprisonment. Each week's continued violation shall constitute a separate additional violation.

Section 4: Procedure for Amendments

Amendments to this Law may be made by the Town Board upon its own motion, or by petition, or upon recommendation of the Planning Board after public notice and hearing. At least ten (10) days notice of the time and place of such hearing shall be published in the official newspaper.

Every such proposed amendment or change, whether initiated by the Town Board or by petition, shall be referred to the Planning Board for report thereon before such public hearing.

In case of a protest against such change signed by the owners of twenty per centum (20%) or more, either of the area of the land included in such proposed change, or of that immediately adjacent extending one hundred (100) feet there from, or that directly opposite thereto, extending one hundred (100) feet from the street frontage of such opposite land, such amendment or change shall not become effective except

by the favorable vote of at least four (4) members of the Town Board.

Section 5: Interpretation

In their interpretations and application, the provisions of this Law shall be held to be the minimum requirements, adopted for promotion of the public health, morals, safety, or the general welfare. Wherever the requirements of this Law are at variance with the requirements of any other lawfully adopted rules, regulations, laws, or deed restrictions, the most restrictive, or that imposing the higher standards, shall govern.

Section 6: Validity

If any section, paragraph, subdivision, clause, phrase or provision of this Law shall be adjudged invalid or held unconstitutional, the same shall not affect the validity of this Law as a whole or any part or provisions thereof other than the part so declared to be invalid or unconstitutional.

Section 7: Short Title

This Law shall be known and may be cited as "The Town of Sullivan Zoning Law".

Section 8: Referrals to the Madison County Planning Board

Whenever any amendment, special use or variance would apply to real property within a distance of five hundred (500) feet from the Town boundary or within five hundred (500) feet of any County or State property or right-of-way (including highways), it shall be referred to the Madison County Planning Board, which shall have thirty (30) days in which to report its recommendations. Failure of the County Planning Board to report within thirty (30) days may be construed to be approval. Notification of action taken on any matter referred to the County Planning Board shall be given within seven (7) days of such action to the County Planning Board. This section is in compliance with Sec. 239-m of Article 12-B of the General Municipal Law.

Section 9: Fees

Fees to accompany an application for a building permit, use permit, application for a zoning variance, application for a zone change or application for any other relief provided from or under this Law may be set by the Town Board from time to time and collected by the Zoning Administration Officer or such other employee as may be designated by the Town Board of the Town of Sullivan.

Section 10: Effective Dates

This Law shall take effect upon filing with the New York State Secretary of State.

(Effective Date of Law July 30, 1979)

(Effective Date of Amendments See: pp. AMD-1-7)

(End of Article VI – Administration)(Balance of page intentionally left blank)

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APPENDIX A - REQUIRED SUBMISSIONS

Required plans and data shall be prepared according to the following except as they may be specifically waived by the Enforcement Officer or other responsible party. Where applicable, such drawings and maps shall meet the requirement of Article 9, Section 334 of the Real Property Law.

1. **Site Plan** (Required for Special Use Permit and application for Planned Development District)
 - A. Site Plan - A minimum of two (2) copies and such additional copies as the Enforcement Officer may specify, to scale, to include:
 1. Location map showing boundaries and dimensions of the parcel or tract of land, contiguous properties, and any easements or public rights-of-way. Official tax maps should be used where practicable.
 2. Existing features of the site including existing land use, land and water areas, existing buildings and water or sewer systems on or immediately adjacent to the site, and surface drainage characteristics.
 3. The proposed location and arrangement of the use and any buildings or installations on the site, including water and sewer facilities.
 4. Sketch of any proposed building or structure, including exterior dimensions and elevations of front, side, and rear view.
 - B. Accompanying Data - to include the following:
 1. Application and required fee, if any.
 2. Name and address of applicant and any professional advisors.
 3. Authorization of owner if applicant is not the owner of the property in question.
 4. Description of materials and method of installation for any equipment or installation for which the permit is being sought.

5. Results of any required on-site investigation including percolation test, where applicable.
- C. Special Considerations - to include, where applicable.
 1. Such additional information, data and analysis as is required on any application form prepared by the Town or as the Planning Board, Enforcement Officer, Town Board or Board of Appeals may specify in the administration and enforcement of these regulations.
2. **Final Site Plan** (Required for Zoning Permit approval in a Planned Development District).
 - A. The Planning Board and the Zoning Permit applicant shall collectively determine the submission requirements for the Final Site Plan. These requirements will vary depending on the nature and complexity of the proposed development.
3. **Certificate of Compliance**
 - A. Application and required fee, if any.
 - B. Upon notification of project completion, the following shall be submitted to supplement the application.
 1. Copy of approved application for Zoning Permit with any change made in the course of construction noted thereon or; alternatively, if no Zoning Permit was required, that pertinent information as is required by the Enforcement Officer.
 2. Certification by the applicant that all improvements were carried out in accord with the approved Zoning Permit or as is otherwise required according to the provisions of these regulations.

(End of Appendix A – Required Submissions)(Balance of page intentionally left blank)

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Districts		Uses 10, 11	Minimum Lot Size		Minimum Yard Dimension (Feet)				Lot Coverage, % Of Lot Area	
			Area in Sq. Ft.	Width in Sq. Ft.	Front	Side		Rear		Notes
						Total	One			
LR-40 Low Density Residential	P.	One Family Dwelling Two Family Dwelling Farm Related Structures	40,000 50,000	150 150	50 50	30 30	15 15	50 50	25 25	-
	S.P.	Medical facility, multiple-family dwelling, orphanage	-	-	-	-	-	-	-	1
MR-12 Medium Density Residential	P	One Family Dwelling One Family Dwelling One Family Dwelling Farm related structures	12,000 20,000 40,000	75 75 150	30 30 30	20 20 20	8 8 8	30 30 30	25 25 25	2,9 3,9 4
	S.P.	Same as LR-40, Marina	-	-	-	-	-	-	-	1
A Agricultural	P	Same as LR-40, Agricultural	-	-	- 200	- 75	- 100	- 50	- 25%	-
	S.P.	Tourist home, veterinary, cemetery, hotel/motel, club, motor vehicle wrecking yard, riding stable, mobile dwelling (farm use), same as LR-40	-	-	-	-	-	-	-	1
B Business	S.P.	Same as LR-40, retail establishments, personal service, restaurant, professional office, fast food restaurant, funeral home, motor vehicle sales & service, gasoline station	-	-	-	-	-	-	-	1,6
I Industrial	S.P.	Same as B, agriculture, industrial, lumberyard, wholesale, laundry, oil/gas storage	-	-	-	-	-	-	-	1,6
PDD Planned Dev. Dist.	S.P.	Uses permitted by special permit by Section 4 of Article V for a Planned Development District	-	-	-	-	-	-	-	-
MHPD Manufactured Home Park	S.P.	Uses permitted by special permit by Section 4 of Article V for a Manufactured Home Park District	-	-	-	-	-	-	-	-
All Districts	S.P.	Public utility, public use, religious institution, school, golf course	-	-	-	-	-	-	-	1
			-	-	-	-	-	-	-	1
			50,000	150	50	30	15	50	25	-
			-	500	100	100	50	100	25	1
Mineral Res. Use District	S.P.	Uses permitted by special permit by Section 1 of Article V Paragraph 6	-	-	-	-	-	-	-	-
Mining/Quarrying Use Dist.	S.P.	Uses permitted by special permit by Section 1 of Article V Paragraph 7	-	-	-	-	-	-	-	-

ZONING SCHEDULE NOTES

1. Refer to Section 9 for lot size, width, and yard requirements. If they are not specifically listed, these requirements will be determined by the planning board based on: health, safety, and general welfare standards and existing development in the immediate vicinity. Applicants are encouraged to meet informally with the planning board prior to any detailed site planning and design.
2. Off-site sewage disposal and water supply
3. Off-site sewage disposal or water supply
4. On-site sewage disposal and water supply
5. A one-family dwelling is treated exactly the same as a mobile dwelling in this district.
6. Existing uses, which conform to the zoning regulations are not subject to the special permit review and approval procedure for activities, which won't enlarge existing buildings or structures by more than 50% or require additional parking.
7. Minimum lot size for this district shall be 10 acres.
8. The Town of Sullivan Mobile Home Park Ordinance governs this section of the zoning ordinance.
9. The minimum lot width for property fronting on a state or county highway shall be 150 feet.
10. The uses listed here are principal uses either permitted by right (designated by P.) or upon approval of a special permit (designated by S.P.).
11. Any use not expressly permitted by right is conditioned upon and requires the issuance of a special permit if it is an allowable use.

(End of Zoning Schedule Notes)(Balance of page intentionally left blank)

ZONING SCHEDULE NARRATIVE

PARKING

Off-street parking shall be provided according to the following:

<u>Use</u>	<u>Parking Space(s)</u>
Dwelling	two per dwelling unit
Boarding house	one per two boarders
Home occupation	two
Professional office/studio	two
Religious, institution, Café, restaurant, tea room	one per four seats & each employee
Assembly hall/stadium	one per four seats & Per four employees
Hotel/motel/inn	one per unit & per four Employees
Club	one per two members & per two Employees
Tourist home	one per bedroom
Retail store, bank, Personal service Establishment	one per 100 sq. ft. floor area and per two employees
Motor vehicle and Equipment sales & service	one per 200 sq. ft. floor area and per two employees
Wholesale, industrial, And manufacturing Establishments	one per two employees

Gasoline station

five

SIGNS

A limit of one sign per building, use, lot or establishment is hereby set. Signs shall be permitted in certain districts as follows:

LR-40 & MR-12:

1. Announcement or Profession sign not exceeding two square feet, non-illuminated and mounted flush to the building.
2. Sign pertaining to sale, lease, rent or use of a lot or building such sign not exceeding 12 square feet.
3. Institutional and religious signs not exceeding 12 square feet.
4. Temporary signs during construction, repairs, or alterations not exceeding 12 square feet.

A-Agricultural:

1. Same as LR-40 and MR-12.
2. Signs for permitted uses not exceeding 36 square feet.
3. Sign for hotel/motel as restricted in the B-Business zone.
4. Tourist sign not to exceed six square feet.

B-Business:

1. Same as LR-40 and MR-12.
2. Sign which directs attention to a business, commodity, service, or entertainment which is the principal use of the building or land thereon. The total area of such sign shall be no greater than the product of 2.5 feet times 75% of the front-line footage of the building or 75% of the street line where the use is conducted primarily on the land and not within the building. Minimum side yard widths shall be deducted from street line frontage in the calculation of such land use.

I-Industrial:

1. Same as B-Business
2. Billboard-structural advertising but not to exceed 300 square feet.

Signs prohibited in all districts:

No sign or part thereof shall contain or consist of banners, pennants, ribbons, streamers, spinners, or other similar moving, fluttering, or revolving devices; and further, no moving, flashing, rotating, or otherwise non-stationary or intermittently lighted sign shall be permitted.

OTHER PROVISIONS AND REQUIREMENTS

LR-40 & MR-12:

1. Front yard and front lot line requirements shall not apply to buildings fronting on Oneida Lake, Chittenango Creek, or Canaseraga Creek.
2. On corner lots, the yards fronting on both streets shall meet front yard standards.
3. Minimum distance between accessory buildings and principal buildings shall be 10 feet.
4. Private garages in rear yards shall be a minimum of five feet from side and rear lot lines.
5. On corner lots, no fence, wall, hedge, or other planting or structure more than 3.5 feet in height shall be erected, placed, or maintained within the triangular area formed by the intersecting street lines and a straight line joining said street lines at points which are 35 feet from the point of intersection.
6. External storage of industrial and commercial equipment and vehicles is prohibited.

A-Agricultural:

1. Items 1 through 5 inclusive of LR-40 and MR-12 above.
2. Roadside stands for the sale of non-processed agricultural products shall be permitted subject to a 25-foot setback from the street line.

B-Business:

1. Items 1 through 5 inclusive of LR-40 and MR-12 above.

I-Industrial:

1. No building shall be used for residential purposes except that a dwelling unit may be provided for a custodian and his family.
2. Uses which, in the opinion of the Board of Appeals, will create noxious wastes, gases, liquids, or effluents, or conditions of hazard, smoke, fumes, noise, vibration, odor, or dust, or will be detrimental to the health, safety, convenience, or general welfare of the Town of Sullivan are prohibited.
3. No off-street parking, except for visitors, shall be permitted in required front yards.

Mineral Resource Use District:

A district in which the mining of sand, gravel, clay, shale, peat or topsoil is a principal use conditioned upon and requiring the issuance of a special permit. Until such time as one or more Mineral Resource Use Districts are established, the presently existing mining of sand, gravel, clay, shale or topsoil is a permissible use in an Agricultural (A) District.

Mining/Quarrying Use District:

A district in which the mining of minerals other than sand, gravel, clay, shale, peat or topsoil is a principal use conditioned upon and requiring the issuance of a special permit. Until such time as one or more Mining/Quarrying Use Districts are established, the presently existing mining of minerals other than sand, gravel, clay, peat, shale or top soil is a permissible use in an Industrial (I) District.

(End of Zoning Schedule Narrative)

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ZONING MAP NARRATIVE

The Zoning map was adopted as part of the revised Town of Sullivan Zoning Law on July 30, 1979*. A number of the district boundaries have been changed as have been district designations. Others remain the same as adopted prior to July 30, 1979. Because the scale of this map makes it impossible to depict the district boundaries precisely, the following information is presented in narrative form.

MR-12 In cases where the boundaries of this residential district are shown on the map to run parallel with a highway, the distance from the centerline of the pavement to the district boundary is 300 feet. The one exception to this standard is an area along Salt Spring Road west of the Village of Chittenango; here the district boundary is 1000 feet north of Salt Springs Road.

LR-40 Like the MR-12 residential zone, the LR-40 zone is a 600-foot strip centered on certain highways in the Town.

B: While the Town of Sullivan has major business zones in the area of Bridgeport, Chittenango Station, and Chittenango, it also has numerous small business zoning districts which defy accurate mapping.

BUSINESS

The Business zone between Petrie Road and Hamilton/Brown Road on the south side of Route 31 includes only the Dibble property.

The Business zone along Route 31 east of Lakeport was extended further east along both sides of Route 31, 300 feet in depth on each side, to the center line of Lafayette Avenue on the north side of Route 31, and to a line perpendicular with Route 31 beginning at the intersection of the center line of Lafayette Avenue with the center line of Route 31 on the south side of Route 31.

The Business zone was extended on both the northerly and southerly sides of Route 5 from the Village limits (westerly line of the Maloff Towers parcels on southerly side of Route 5 and easterly line of Benson parcel on north side of Route 5) westerly to existing Business zone, which extends to the Onondaga County line.

The Business zone was extended from the easterly line of the existing Business zone along the southerly side of Route 31, easterly approximately 2100 feet to the easterly line of premises owned by S. & N. Tyler (Tax Map Parcel Number 11.24-1-3 for the year 1990).

* As amended, see Amendments to Zoning Law, pages AMD-1, et. seq.

A Business zone was created on a parcel of land approximately 100 feet in depth abutting Pottery Street on its northerly boundary, extending from the Chittenango Village line as it crosses Pottery Street immediately east of Lakeport Road, easterly approximately 982 feet to the Village of Chittenango line as it runs along Oneida Street.

Zoning map narrative was amended at B-Business with the inclusion of the following: Business Zone created on strip of land abutting New York State Route 31 on its northerly side having a depth of 300' extending from the westerly line of the Lavern Grant parcel (tax parcel 11. -1, 12.1 for the year 2005) to the westerly line of Black Point Road, a distance of approximately 580'.

Zoning map narrative was amended at B-Business with the inclusion of the following: The business zone was extended to include tax parcels 25-1-55 and 25-1-57 owned by T-Nine LLC located on Lakeport Road and Chestnut Ridge Road.

I:
INDUST.

There are significant changes to the Industrial zoning districts on the map Adopted July 30, 1979. A new Industrial district has been created east of Fly Road and north of the Thruway. It extends 2000 feet east from the centerline of Fly Road along the northern boundary of the NYS Thruway; then north 2,500 feet along a line parallel to Fly Road; then west 2000 feet to the centerline of Fly Road; then south to the point of beginning.

A second large industrial district extends south from the Chittenango Station area along the east side of Fly Road to the old feeder canal. More specifically, the zone is bounded on the north by a line parallel to and 300 feet south of the New Boston Road; on the east by a line parallel to and 1000 feet from Fly Road; on the south by the abandoned feeder canal; and on the west by a line parallel to and 300 feet from Fly Road and the boundary of the Business district.

A third industrial district encompasses the stone/rock quarry located west of Quarry Road. The boundaries of this district are intended to be the property lines of the quarry owner.

A fourth industrial district encompasses Krutulus Laboratories, Inc., property on the south and west sides of Marsh Mills Road.

A fifth industrial district encompasses the Manth Brownell and Skinner Resources properties on the south sides of Fyler Road.

Other small industrial districts are intended to be exactly the same as on the zoning map of 1957 as amended

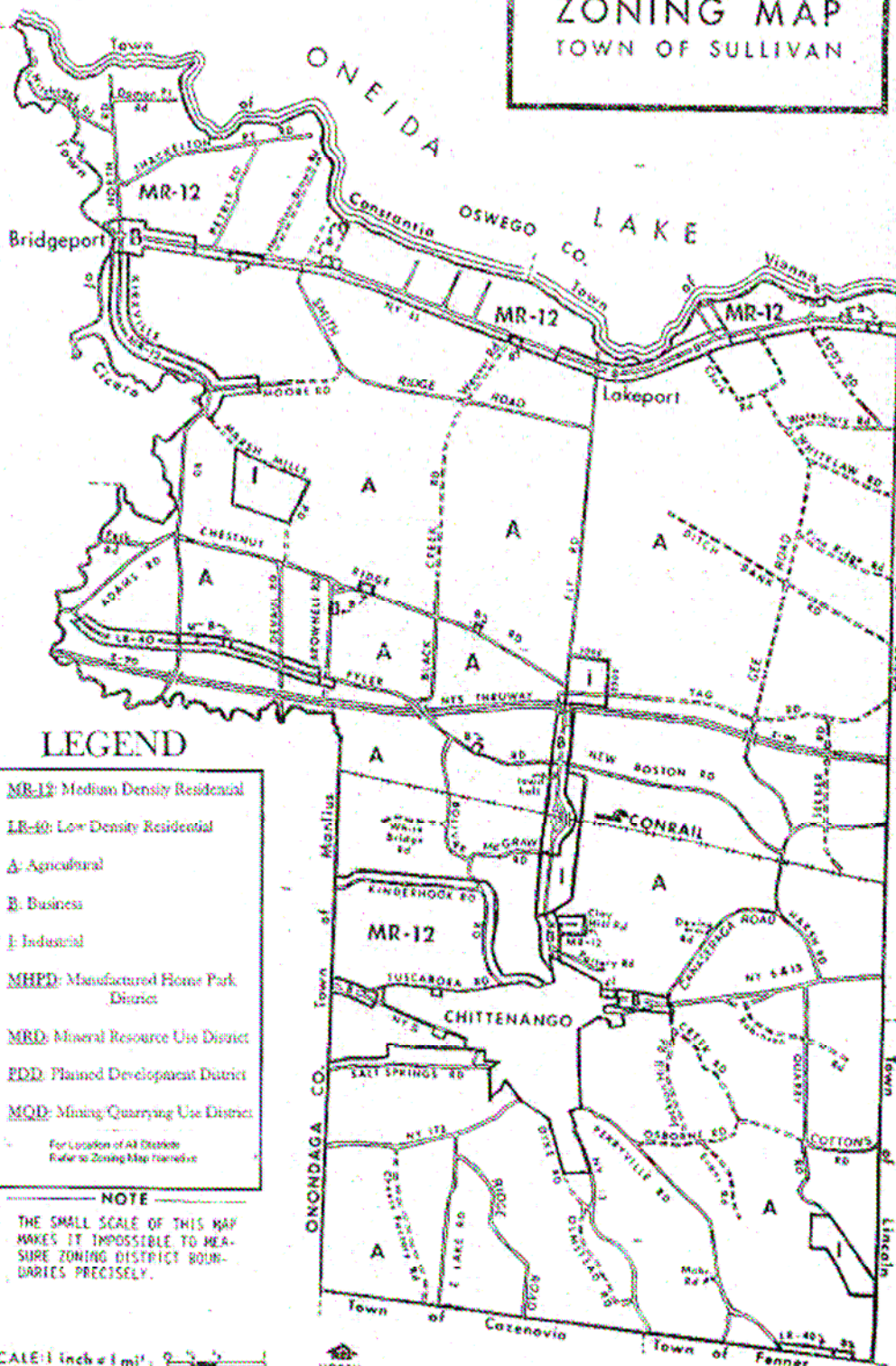
PPD:

Planned Dev. Dist. The Planned Development Districts permitted by Amendment adopted July 5, 2000, effective July 10, 2000 and September 8, 2006, effective September 19, 2006 are not located on the Official Zoning Map of the Town of Sullivan.

(End of Zoning Map Narrative)(Balance of page Intentionally left blank)

Note: The Zoning Board of Appeals decides all questions involving the location of district boundary lines.

OFFICIAL ZONING MAP TOWN OF SULLIVAN



SCALE: 1 inch = 1 mi. 0 1 2 3 4



AMENDED AUG. 12, 1981
ADOPTED JULY 30, 1979